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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,846	08/27/2001	Rebecca L. Poole	STL920000085US1	3150
22462	7590	11/14/2005	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045				STEELMAN, MARY J
ART UNIT		PAPER NUMBER		
		2191		

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/939,846	POOLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mary J. Steelman	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. This Office Action is in response to RCE, Remarks, and Amendments received 24 August 2005. Per Applicant's request, claims 1, 3, 6, 8, 1, and 13 have been amended. Claims 1-15 are pending.

***Double Patenting***

2. As noted in the prior Office Action, claims 1-15 remain provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (1, 5, 7-8) of co-pending Application No. 09/939,813 (hereinafter '813) respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observation.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) maybe used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b). 4. Claims 1-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (1, 5, 7-8) of co-pending Application No. 09/939,813 (hereinafter '813) respectively. Although the

conflicting claims are not identical, they are not patentably distinct from each other as noted in prior office actions.

***Claim Objections***

3. Claims 3, 8, and 13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claim(s) in independent form. In this case, newly added limitations to independent claims 1, 6, and 11, include the limitations of claims 3, 8, and 13, as defined in the Specification, page 13.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-15 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent 6,208,345 to Sheard et al.

As Per Claim 1, Sheard teaches that a visual data integration system architecture and methodology is disclosed. The system architecture includes a transport framework that represents a technology-independent integration mechanism that facilitates the exchange of technology dependent data between disparate applications. (E.g. see Abstract and associated text). In that Sheard discloses the method that covering the steps of:

-an Integrated Development Environment (IDE)

(E.g. see col. 3:16-18, which states "A visual interface facilitates the design, deployment, and runtime monitoring of an integrated information system (IDE) implementation")

-executed by a computer, for creating and maintaining a multi-tier business application

(E.g. see col. 3:24-26, which states "Various component icons maybe packaged together in business extension modules. (multi-tier business application)to provide users with specific business integration capabilities")

-on a multiple tier computer network, wherein the IDE includes a Topological Multi-Tier Business Application Composer

(E.g. see col. 24:55-67, which states "... in the presentation of a menu item ... provides a tree view of the network environment currently in operation...")

-that is used by a developer to graphically create and maintain

(E.g. col. 6:1113, which states "...facilitate the design, deployment, and runtime monitoring...")

-the multi-tier business application

(E.g. col. 3:24-26)

-a Meta-model that captures and persistently stores information entered via the Composer"

(E.g. see col. 29:51-61, which states "Storage of the meta-model is typically implemented using a file based approach ...")

-an Interactive Agent that monitors

(E.g. see Fig. 17 and associated text)

-the Meta-model for an occurrence of an event

(E.g. border 546 for status information)

-that comprises a possible non-optimization in a portion of the multi-tier business application based upon a heuristic analysis of information gathered by the Composer and stored within the Meta-model, (This is added limitation as defined in the Specification, p. 13: "...if the Interactive Agent 36 includes an Advanced mode, then the interactive Agent 36 can be triggered in the Advanced Mode when an event occurs, such as a possible non-optimization or imbalance in a portion of the multi-tier business application based upon an heuristic analysis of the information gathered by the Composer 30... The possible non-optimization is determined by examining attributes of the multi-tier business application stored within the Meta-model 32."

Sheard disclosed col. 23:41-45, which states "Confirming the integrity ... by comparing the meta-data models (heuristic analysis of information gathered by Composer) ..."; col. 29:32-36, which states "...a meta-model approach allows the validity of a data integration implementation to be verified (non valid implementation a possible non-optimization)..." Sheard disclosed (FIG. 18 & col. 31:47-col. 32:4) for a project configured, a user interface 501 performs a lookup to the meta-model for each adapter and performs a comparison (heuristics). An 'inconsistent' model (possible non-optimization in a portion of the application) triggers a suggestion of a modification.

-whereupon the Interactive Agent triggers

(As an example, Sheard disclosed (col. 3: 16-18) a **visual interface facilitates the design**, deployment, and runtime monitoring of an integrated information system implementation. (emphasis added) (FIG. 18 & col. 31:47-col. 32:4) for a project configured, a user interface 501 performs a lookup to the meta-model for each adapter and performs a comparison (heuristics). An 'inconsistent' model (possible non-optimization in a

portion of the application) triggers a suggestion of a modification. The visual interface code (Interactive agent) triggers an inconsistent model and alerts (triggers) the user / developer.

-a display of a graphical element in the Composer to interact with the developer, and the graphical element includes context information comprising a list of suggested and recommended actions.

(E.g. see Fig. 17 and the visual interface 501 used for development. Xchange button 544 and associated text, e.g. see col. 19:51-63 which states "... Activating the Xchange button 544 open a pop-up menu of ... A first group of menu buttons ... include the following activatable buttons: new, open, save delete and print. ... A second group of buttons may include start, shutdown, pause and resume the system buttons, ... The lower border 546 of the visual interface 501. is available for high-level status information and for help prompts that ...") (underline emphasis added)

As Per claim 2:

"wherein the Interactive Agent includes a Novice mode, and the Interactive Agent is triggered in the Novice Mode when an event occurs that is selected from a group comprising: opening a new window...; (E.g. see col. 19:51-63 which states "...include the following activatable buttons: new, open, save, delete, and print...")

As Per claim 3:

-wherein the Interactive Agent includes an Advanced mode, and the Interactive Agent is triggered in the Advanced Mode when the event occurs  
(E.g. As an example, see col. 26:39-48, which states "...double clicking on a statistical analysis adapter...")

-that comprises the possible non-optimization in the portion of the multi-tier business application

(See rejection of limitation addressed in claim 1 above.)

-based upon the heuristic analysis of the information gathered by the Composer and stored within the Meta-model."

(See rejection of limitation addressed in claim 1 above.)

As Per claim 4:

-wherein the possible non-optimization is determined by examining attributes of the multi-tier business application stored within the Meta-model.

(As an example, see col. 31:47-67, which shows that during development, selected adapters are compared by the visual interface (for non-optimization) . Adapter meta classes are presented for user mapping of attributes.)

As Per claim 5:

-wherein the Meta-model is updated and kept in synchronization with any updates made to the multi tier business application via the Composer window.

(As an example, see col. 31:47-col. 32:4, which shows that during development, selected adapters are compared by the visual interface (for non-optimization) . Adapter meta classes are presented for user mapping of attributes. The selection of OK generates a mapping file (meta-model is updated).)

As Per Claim 6:

See rejection of limitations as addressed in claim 1 above.

As per Claims 7-10:

The rejection of claim 6 is incorporated and claims are rejected under the same reason set forth in connection of the rejection of claims 2-5 respectfully.

As Per Claim 11:

This is the manufacture claim corresponding to the system claim 1 and is rejected under the same reason set forth in connection of the rejection of claim 1.

As per Claims 12-15:

The rejection of claim 6 is incorporated and claims are rejected under the same reason set forth in connection of the rejection of claims 2-5 respectfully.

***Response to Arguments***

6. Applicant has argued, in substance, the following:

(A) Regarding independent claim, claims 1, 6, and 11, as noted on page 8, last paragraph of Remarks received 24 August 2005, Sheard fails to teach “an Interactive Agent that monitors the Meta-model for an occurrence of an event that comprises a possible non-optimization in a portion of the multi tier business application based upon an heuristic analysis of information gathered by the Composer and stored within the meta-model, whereupon the Interactive Agent triggers a display of a graphical element in the Composer to interact with the developer, and the graphical element includes context information comprising a list of suggested and recommended actions.”

Examiner's Response:

Examiner disagrees. See response to rejection of claim 1 above. Col. 31: 47-col. 32:4 discloses a development phase of project configuration. A visual interface facilitates the design of an integrated information system

implementation. The visual interface performs a lookup to the meta-model for each adapter selected and compares for inconsistencies (possible non-optimization). A visual alert (Interactive Agent triggers a display) is given to the developer to indicate that custom mapping is required to enable the proposed configuration. Type discrepancies are compared in a further analysis. As an example, Col. 22: 46-50, A centralized store of all project files is defined in the configuration framework. When a new data integration project is being initiated, a default project file is created. A menu is typically presented to the user (context information comprising a list of suggested and recommended actions).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Note additional reference located:

USPN 6,957,494 B1 to Belcsak et al.

A financial scenario modeling and analysis tool (business application). Col. 14:37 – col. 15:53, Specifically discloses optimization tools, considering constraints and parameters. The system analyzes the optimization instructions and data contained in a model and provides diagnostic status indicators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

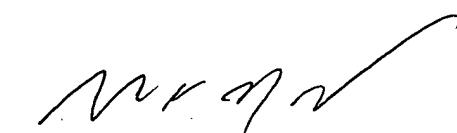
Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



11/03/2005



WEI Y. ZHEN  
PRIMARY EXAMINER